

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Julio C. Palmaz, Steven R. Bailey, Christopher T. Boyle, and  
Christopher E. Banas

SERIAL NO.: 09/707,685 EXAMINER: Cheryl Miller

FILING DATE: November 7, 2000 Art Unit: 3738

TITLE: ENDOLUMINAL STENT, SELF-SUPPORTING ENDOLUMINAL GRAFT  
AND METHODS OF MAKING SAME

**DECLARATION OF SUZANNE M. COTUGNO  
IN SUPPORT OF PETITION FOR WITHDRAWAL OF ABANDONMENT**

I, Suzanne M. Cotugno, declare as follows:

1. I am employed by Rosenbaum & Associates, P.C. (hereinafter referred to as "the Firm"), which is a law firm that specializes in intellectual property law, with emphasis on patent law.
2. I have over 13 years of experience as a patent paralegal and docketing coordinator.
3. At the Firm, my responsibilities include: (a) taking in all mail received by the Firm, including mail arriving on a Saturday, sorting said mail, opening all communication documents from the U.S. Patent & Trademark Office, including Office actions and the like therefrom, and date stamping and docket stamping all such communication documents; (b) scanning such communication documents; (c) uploading scanned copies of these communication documents onto an electronic docketing system as individual electronic files; (d) entering into the electronic docketing system specific information relating to each Office communication (*e.g.*, mail dates, due date(s) for response, etc.); (e) generating reports that chronicle the dates the Office communications are received, the mailing dates of the Office communications, and the due dates for all U.S. patent applications; (f) creating and maintaining physical paper files that contain the paper copies of all communication documents and responses thereto for each case; (g) handwriting a list of all communication documents received from and papers sent to the U.S. Patent and Trademark Office, which handwritten list is part and parcel of the physical file for

each patent case; and (h) preparing one-month docket reports that recite due dates for responding to communication documents received from the U.S. Patent & Trademark Office. These reports are distributed to the attorneys responsible for the various patent matters and are reviewed with such persons at weekly docket meetings.

4. It is my belief that the system used by the Firm for receiving and docketing U.S. Patent & Trademark Office communication documents is reliable. The system includes dependable mechanisms for: (a) receiving communication documents from the U.S. Patent & Trademark Office; (b) stamping each received communication document with a “date received” stamp and a docketing stamp; (c) maintaining physical paper files of all communication documents received from the U.S. Patent and Trademark Office and papers sent thereto; (d) initiating events (*i.e.*, creating electronic files and future electronic notices of due dates distributed to the patent practitioners involved in the electronic docketing system in response to communication documents received; (e) scanning communication documents and uploading scanned copies of these communication documents onto the electronic docketing system; and (f) providing attorneys with docket reports that notify the attorneys with regard to due dates for responding to communication documents received from the U.S. Patent & Trademark Office.

5. Regarding the docket history of U.S. Serial No. 09/707,685 (the above-captioned patent application) at the Firm prior to the issuance of a Notice of Abandonment mailed December 10, 2008, a search of the application file jacket and the electronic docketing system indicates that there is no record of the Firm having received a copy of a decision rendered by the Board of Patent Appeals and Interference on September 30, 2008 for the above-captioned patent application, which decision is hereinafter referred to as “the Board Decision.”

6. A copy of the application file jacket, where the non-received Board Decision would have been listed in my handwriting had it been received by the Firm, is attached herein as Exhibit A. Similarly, there is no record of the Board Decision in the electronic docketing system of the Firm prior to receipt of the aforementioned notice of abandonment, which was received by the Firm on December 15, 2008.

7. A copy of the individual docket report, where the non-received Board Decision would have been recited, for the above-captioned patent application is attached herein as Exhibit B. This individual docket report covers, *inter alia*, the two-month period from the date of mailing of the Board Decision to the date the patent application was abandoned. The individual docket report for this patent application corroborates my belief that there was no record of the Firm having received a copy of the Board Decision.

8. Apart from the Board Decision, every communication document from the U.S. Patent & Trademark Office as listed in PAIR has been received for the above-captioned patent application and was entered into the Firm's docketing system records.

9. To my best recollection, knowledge, and understanding, the Firm never received a copy of the Board Decision for the above-captioned patent application.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Dated: 10 FEBRUARY 2009

Suzanne M. Cotugno  
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